

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Grupo Petrotemex, S.A. de C.V. and DAK
Americas LLC,

Plaintiffs,

v.

Polymetrix, AG,

Defendant.

Case No. 16-cv-02401 (SRN/HB)

ORDER

Alexander Englehart, Eric W. Schweibenz, J. Derek Mason, and John F. Presper, Oblon, McClelland, Maier & Neustadt, LLP, 1940 Duke Street, Alexandria, VA 22314; Barbara Jean D'Aquila, Fulbright & Jaworski LLP, 60 South Sixth Street, Suite 3100, Minneapolis, MN 55402; Margaret Rudolph and Laura J. Borst, Norton Rose Fulbright US LLP, 60 South Sixth Street, Suite 3100, Minneapolis, MN 55402, for Plaintiffs.

Bernard E. Nodzon, Jr., Theodore M. Budd, and Timothy M. Sullivan, Faegre Drinker Biddle & Reath LLP, 90 South Seventh Street, Suite 2200, Minneapolis, MN 55402; Igor Shoiket, Stephen H. Youtsey, and Todd A. Noah, Dergosits & Noah LLP, One Embarcadero Center, Suite 350, San Francisco, CA 94111, for Defendant.

SUSAN RICHARD NELSON, United States District Judge

During the motion hearing held on November 5, 2020, the Court ordered the parties to meet and confer regarding Plaintiffs' claim of contributory infringement under 35 U.S.C. § 271(c). The parties have been unable to reach an agreement regarding that claim. The Court received letters [Doc. Nos. 841 and 843] from the parties concerning Defendant's request that the Court grant summary judgment of no contributory infringement under

Federal Rule of Civil Procedure 56(f) and permit supplemental briefing on the contributory infringement issue.

Instead, the Court will permit Defendant to file an early summary judgment motion on Plaintiffs' § 271(c) claim. Defendant shall file its motion and supporting memorandum by December 15, 2020. Plaintiffs shall file a responsive memorandum by January 5, 2021. And Defendant shall file its reply memorandum by January 19, 2021. The Court will then take the motion under advisement on the papers submitted, without oral argument.

IT IS SO ORDERED.

Dated: November 24, 2020

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge